

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 5, 1997

His Excellency Naresh Chandra Ambassador of India 2107 Massachusetts Avenue, N.W. Washington, D.C. 20008-2811

RE: MUR 4583

Dear Mr. Ambassador:

The United States Department of State has provided this Office with a copy of the diplomatic note from the Embassy of India, dated November 6, 1997. In the note, it is stated that the Embassy does not intend to interact directly with the Federal Election Commission on the above-referenced matter, but is willing to cooperate and provide information "through its interaction with the State Department." Although under its statutory authority the Commission acts independently and does not channel communications through the State Department, in the interest of resolving this matter, this Office has agreed to provide this letter and the attached list of questions and request for documents to the State Department for forwarding to the Embassy. This action, however, should not be construed as a waiver of the Commission's exclusive jurisdiction with respect to civil enforcement of the Federal Election Campaign Act of 1971, as amended.

As stated before, we believe it would be useful for all parties involved to attempt to resolve this matter informally at the early stage of the enforcement process. Accordingly, please provide the requested information by close of business on Friday, January 30, 1998.

Sincerely,

Lawrence M. Noble General Counsel

INFORMAL QUESTIONS AND INFORMAL DOCUMENT REQUESTS EMBASSY OF INDIA

I. DEFINITIONS

For the questions and requests below, please note the definitions of the following terms:

"You" or "Embassy of India" includes the Government of India, as well as all diplomatic and consular officers, employees, agents, volunteers or attorneys thereof.

"Persons" means an individual, partnership, committee, association, corporation, or any other type of organization, entity, or group of persons as defined in 2 U.S.C. § 431(11).

"Document" means the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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II. INFORMAL OUESTIONS

- 1. Please state the period of time when Mr. Davendra Singh was assigned to the Embassy of India in Washington, DC. Please state the position(s) he held and duties performed at the Embassy, spending authority and accounts to which he had access, the date and reason he left the Embassy, his current position/place of employment, and his current official address and telephone number.
- 2. Please explain the mission and functions of the Minister of Community Affairs. For the period 1994-1995, please state the number of employees and list the position and duties of each employee in that section. For the same period, please state Community activities funded by the Embassy and purposes for which the funds were spent. For the same period, please identify Embassy officials with spending authority and state the name and address of the financial institution(s) where these funds were maintained.
- 3. Please state whether the Embassy investigated Mr. Davendra Singh's role in directing funds toward U.S. elections in 1994, and if so, when the investigation was conducted. Please identify the person(s) who conducted the investigation, where these persons are currently located, and a person now resident in the U.S. with whom the Commission could discuss the results of the investigation.
- 4. If the Embassy did not investigate this matter, please provide information available to the Embassy including, but not limited to: Individuals involved in this activity, who Mr. Davendra Singh approached in addition to Lalit Gadhia and how and from which Embassy account Mr. Davendra Singh obtained the funds provided to Gadhia and other individuals. State what personnel action, if any was taken against Mr. Singh and any other Embassy officials/employee as a result of this activity.
- 5. For the period 1994-1995, please identify all Embassy officials and employees that know or knew Lalit Gadhia and/or Sachinder Gupta.
- 6. Please list and provide the dates for all functions held at the Embassy of India or hosted by the Embassy which Lalit Gadhia attended in 1994.
- 7. Please state whether Lalit Gadhia has worked for or represented the Embassy of India in any matters and, if so, the period of time and nature of the representation.
- 8. Please provide dates, names, and purpose of all visits to, or meetings with, Lalit Gadhia by any Embassy officials and employees, including Mr. Davendra Singh, during the period 1994-1995.

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III. INFORMAL DOCUMENT REQUEST

Please provide all documents in the Ministry of Community Affairs file, Mr. Davendra Singh's file, or other Embassy file that refer to, relate to, or contain any information, including any reports of investigation, pertaining to money directed toward U.S. elections in 1994.

Please provide all documentation relating to Mr. Davendra Singh's or other Embassy officials visits to, meetings with, or correspondence with Lalit Gadhia during the period 1994-1995.